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The Centennial Bill.

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REMARKS

OF

HON. JOHN P. STOCKTON,

OF NEW JERSEY,

IN THE SENATE OF THE UNITED STATES,

MARCH 6, 1874.

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REMARKS

OF

HON. JOHN P. STOCKTON.

Mr. STOCKTON. I have an amendment to offer to the amendment of my Colleague, which I send to the desk to be read.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from New Jersey offers an amendment to the amendment, which will be read.

THE CHIEF CLERK. The proposed amendment is to add:

And with additional instructions that the exhibition to be held in commemoration of the one hundredth anniversary of American independence, shall be international in its character, so to exhibit the progress of the United States in the industries and arts beneficial to mankind, in comparison with those of older nations, as provided in the act of Congress approved March 3, 1871.

Mr. STOCKTON. I should like to ask the Clerk to read the original act of 1871, which I have in my hand, in explanation of that amendment.

The Chief Clerk read as follows:

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

Whereas the Declaration of Independence of the United States of America, was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products and manufactures, shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission to consist of not more than one delegate from each State, and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition; and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

SEC. 3. That said commissioners shall be appointed within one year from the passage of this act, by the President of the United States, on the nominations of the governors of the States and Territories respectively.

SEC. 4. That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner and commissioners as may be unable to attend the meetings of the commission.

SEC. 5. That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

SEC. 6. That the commission shall report to Congress, at the first session after its appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the buildings;

a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

Mr. STOCKTON. Mr. President, it will be seen that this act was an act to celebrate the centennial anniversary of the birthday of this country, by an international exhibition, where foreign arts, manufactures, and products and our own could be compared. This act was introduced into the Senate from the Committee on Foreign Relations in 1871. It is for an international exposition in its preamble; it is for an international exposition in every section of it. That is declared expressly, in its first section, to be its very object. It does, in conclusion, direct the President of the United States, when certain information in reference to the progress of this matter shall be given him, to make a proclamation and to communicate the time, place and circumstance of the exhibition to our diplomatic representatives abroad, in order that they shall, in accordance with their duty, communicate it to the governments to which they were respectively accredited. This was the proposition introduced in the Senate of the United States in 1871, and into that proposition was incorporated a proviso that the Government of the United States should not be made liable for any debts incurred by the parties who were to be trusted with the management of this matter. It was to be under the auspices of this Government. The executive of this Government was to communicate this information of time, place, and circumstance to foreign powers from whose shores we had so recently come with our exhibitors invited in a similar manner. But the United States was not to be liable for the debts of this machine which was to do the work—a proper precaution; very proper precaution. I have not looked whether that clause was in the bill when it came from the committee or not, nor do I care. It was an exceedingly proper precaution. The credit of the United States was not then to be trusted, without a direct appropriation of money, to any set of men, no matter how much respected in the communities from which they came. We would not permit ourselves to be liable without our own consent, although it was to be done under the national auspices, and we wished it godspeed, and we commended this international exhibition to foreign peoples and foreign governments.

In pursuance of this authority given by the act, the President of the United States having received the information which was the prerequisite to his issuing this proclamation, did issue it. He did proclaim the time, the place, the circumstance, and the manner of this celebration, and a circular was sent, through the State Department, to all our foreign representatives abroad, and they did communicate this to the governments to which they were accredited, and eight, I am informed, of the govern-

ments already have cordially accepted the invitation in the same spirit and for the same purposes that we had accepted three invitations to visit their shores when they had such exhibitions.

But, Mr. President, out of an abundant anxiety and precaution, I presume, or from some other motive, no doubt creditable to him, the Secretary of State saw that these letters were being answered as if they had been direct invitations. Whether he had any reason to doubt that the invitations were perfectly understood as they were intended to be, or not, I am uninformed, but out of abundant precaution he did issue another circular, which the Senator from Pennsylvania [Mr. SCOTT] referred to on a previous occasion, in which he cautioned our ministers and diplomatic agents abroad that what he had sent to them previously was not an invitation, but was the President's proclamation in the words of the act of Congress, and sent to them under the order of the act of Congress, and they must go no further with it. Some gentlemen asked in the course of this debate why they had not all ascertained if these invitations were given. That last circular was also communicated to some of these powers, and that little delicate question as to whether that was an invitation, intended to be a cordial invitation or not, or whether it was a notice which amounted to an invitation, (when attention was called to it by our Government issuing another circular,) has undoubtedly made a little hesitation, which it was our duty to relieve one way or the other. It was a little matter of delicacy which any one can see, and of which every one in this body must be in favor of settling. Every one must be in favor of settling the question of this invitation with that proper courtesy and delicacy which become a great Government like ours, who have so recently sent their commissioners at great expense to foreign shores to attend their exhibitions, and who have so recently themselves construed such invitations and replied to them.

So far as the simple matter of courtesy I say, nobody can doubt it that we must relieve the country. For this purpose, and no other purpose, as I understand it, was the bill now before us introduced into the House of Representatives. The proposition in the original bill, you will recollect, was reported from the Committee on Foreign Relations, of which the Senator from Massachusetts [Mr. SUMNER] was then the chairman. The proposition, you remember, was for an international exposition, and nothing else. The invitations, such as they were, were sent out in the very words of the act, and this question now arises. They come to Congress, and here is the little question which they present to us. Perhaps we have erred in the very words of invitation, but you must have meant that in your act; but we do not wish to transgress the intention you have. What do you mean by it? Shall we make it an invitation and send it, or do you want it stopped? That was, as I understand it and as I have heard it fully explained before in a committee of which I am a member, the sole object of the introduction of this bill which has led to this debate.

But, Mr. President, it has become perfectly evident since the passage of the original act, from various circumstances which have been recalled in this debate, that something more must be done. One circumstance was the financial crisis that has occurred. Another was, if you choose to put it so, and it is quite possibly so, that those gentlemen of character,

and position, and energy, who had undertaken to carry this thing through with this panic upon them were not receiving money sufficient for this purpose in the way they had hoped. Put it that way if you choose, and now they come here to this Congress, and having accepted the charge of this international exhibition given to them by this body, they tell us of this delicacy about the invitation. They say, "In considering the question of whether you are going to invite these people, to confirm, in other words, the invitation, shall it be ordered so as to confirm what we have done or not? We tell you frankly that an element in that consideration is where we are to get the money. We do not want this to be a failure. It shall not be a failure. We mean it shall be a success. We do not know where to get the money. At all events the people do not come forward and give us the money as they would do if they knew that Congress would not help us. Therefore, although you are not liable, in the very words of your act, although Congress is not pecuniarily liable for one single act we do, for one single contract we make, knowing that we cannot make them liable, we come to you and say to you that until you tell us whether you want it to be a great international entertainment or not, whether you mean to approve of these invitations and until you tell us whether you will make a proper appropriation for it, we are afraid to go on." And, Mr. President, with that frankness, that honesty, and that truthfulness of statement in reference to these events which prevented this thing from having even the appearance of a snare or a deception, it was charged upon instantly in this body as an appropriation bill in disguise. On the very first morning when the question was whether it should be brought up or not, when the officer presiding ruled time after time that any discussion of the measure was out of order, Senators in this body on both sides of politics jumped to their feet and insisted upon arguing that it was an appropriation bill in disguise; that it was unconstitutional; that, as a Senator said yesterday, it violated public propriety!

Mr. President, I have said to the very best of my ability, in the fewest words I could, this much about the history of this matter in the opening of the few remarks I have to offer in vindication of the character and action of those gentlemen whose patriotism has made them willing to accept *this* trust, and who, from their prominence in all virtues, have had this trust forced upon them by their fellow-citizens and by the power to whom you entrusted the selection. Now, sir, while I trust that I shall discuss the few points that seem to me to be necessary to be discussed in this question with the quietness and calmness becoming my position in the Senate, I will say that I felt mortified as an American Senator that the question whether we should make a national or international exhibition of this; and the other question, whether we had gone too far to retract; the question of the proper way to celebrate the Fourth of July; the question of whether we should at this time appropriate money or not for such a purpose, could not be calmly and quietly discussed without having charges made on the gentlemen who have told you so frankly and simply their story with an honesty that pertains to them; and that those gentlemen of the Senate who felt it their duty from natural impulses, or from the instruction of their Legislatures at home, or the feeling of their people, to present the matter to you for your judgment, should be forced to listen to the suggestion that an attempt was

being made to deceive any man in this body, while the proposers of this bill have run with hot haste to prevent even that suspicion.

Mr. President, the Senator from Ohio who spoke yesterday, [Mr. THURMAN,] whom I regret not to see in his seat now, it is well known occupies a position in the democratic party not excelled by any man on this floor or elsewhere; and if it is not well known it ought to be that there is no gentleman in that party on this floor or elsewhere whom I respect and esteem more, and from whom I so unwillingly differ, particularly on a constitutional point. That Senator comes here full of years and full of experience; he comes here having served in the House of Representatives before his advent here, and comes to us now again for a new term, indorsed by the democracy of Ohio. His position is proud; he has a right to speak, and speak authoritatively; and therefore, when that Senator rose yesterday to speak on this bill, and I was making an effort to obtain the floor, I most cheerfully and readily yielded to him; not from courtesy to him alone, I regret to say, but because I desired, before I opened my mouth on this question in the Senate, to know and hear what were the views of my learned and distinguished friend from Ohio.

I regret to say that the expressions and the constitutional arguments which he brought forward alike failed to convince my mind or affect my judgment. The Senator took three "positions," as he called them, or perhaps four. The first position was, that as to this celebration and the appropriation of money for it—for he said this motion to refer to the Committee on Appropriations means appropriating money—he was fully convinced that the bill, as proposed to be amended, would be unconstitutional. He said that if it were not unconstitutional he would go, with all his heart, for a national exhibition. He apologized for not expressing with ardor and enthusiasm and devotion his affection for his country and her natal day. He said he would scorn himself if he felt it necessary to parade such feelings as those before the public in his vindication. But it was alone, and he repeated it more than once, on the ground that his constitutional view, his solemn duty as a sworn Senator here, prevented his giving that vote which his heart led him to give, which his heart was urging him to give—it was on that ground alone that he could not support the bill.

Mr. President, I cannot believe that distinguished Senator; that is, I cannot believe that he knew himself when he said he would scorn himself if he could give expression to that love of country and patriotism which ten minutes afterward burst from his glowing lips. I cannot believe that when every gentleman in the Senate, and the whole audience and the American people, heard with pleasure, and gratitude, and approbation, his eloquent and glowing words, he alone, of all the world, was despising himself for his utterances. I respect him too much to believe that he is so unfortunate to think that we believe he scorns himself for one patriotic word he ever uttered in all his life.

But, Mr. President, what a curious thing it is to see how great men's minds, filled for years past with constitutional constructions and desirous to explain properly and construe it rightly, finally become afflicted with a mania, until they look at every little bill, look where it cannot be found, for concealed violations of its provisions. These gentlemen discover difficulties which exist only in their heated imaginations. O, how I should

like to have seen my friend before he made up his mind, so much as he says against his heart, to take the course he has taken on this bill, to have said a few little things to him. He asks "Where do you find the power under the Constitution to vote away the public money for an exhibition, national or international?" Has any Senator pointed him to a clause of the Constitution? Then he assumes that some Senator would point him to the clause concerning the general welfare. He says the clause authorizing Congress to provide for the general welfare is not a substantive clause, and has not been construed so. He says it is a clause dependent upon the power of taxation; that the power of taxation is a substantive clause and is unlimited. And yet the clause attached to it, he says, should have written before it "in order" to make it dependent. Let him have this construction; then there is the unlimited power to tax in order to provide for the general welfare. There is no man stricter in his construction of the Constitution than myself, but I do like to start with that little grain of common sense which it is wise to use in most affairs of life; and I cannot see but that "the general welfare" is within certain limits just such a question as in any court of law would be considered as a matter of fact.

What is "the general welfare?" Where is the court to decide what is "the general welfare," when the Constitution has given us an unlimited power to tax for the general welfare? "Well," says a Senator from another State, or perhaps the same Senator, "do you mean to say that that clause is unlimited; that we can do anything we please, which we think is for the general welfare?" No; I do not. It is limited by the meaning of the words "general welfare." It is limited, as every other clause in the Constitution dependent and substantive is limited, by the proper construction of the words used and the sense they were used in; and that Senator who, sitting here, will vote away the public money for the general welfare without putting in his heart and exercising his judgment, to ascertain whether by precedent, whether by a proper construction of the words, it is for the general welfare, is simply violating his duty and his oath. Is it for the general welfare that a tax should be raised for this purpose? That is the question under this clause.

We cannot make words any more definite. The Congress of the United States are made by the Constitution the judges whether a tax levied is for the public welfare. It may possibly in the beginning, as much as anything else, have meant a union of these States in matters of foreign commerce, in matters of protection against Indians and others; and as the range became more vast, it may mean other things; but what that "general welfare" is, and whether taxes are properly levied for that purpose, in order to maintain it, is a question for every Senator's own conscience. Yes, sir, it is a question for the conscience of every Senator, and that is a tribunal from which there is a court of appeal even on earth. There may be no court of appeals from his conscience that violates the construction he adopts; but there is a court of appeal when the House of Representatives come before the people biennially for election, and it is felt in every fiber of this body and the other. Every man who votes on this bill does so knowing that the people are asking us "what we are doing with the public money," and are crying for economy; and that is the constitutional tribunal; that is the conservative feature that is held over the judgment of Senators and Mem-

bers when they are called upon to construe the meaning of voting money for the general welfare.

But, Mr. President, I do not take the position, nor do I mean to put myself on the record as taking the position, that this appropriation should be placed among those statutes which are passed for the general welfare. It may be so. It might be that if driven to it I might take that position. But that being the clause in the Constitution to which the Senator from Ohio alluded, as in my humble judgment he failed to show by his argument that it would not authorize what we are doing, I have deemed it proper to reply to him on that clause and yet I have no desire to enlarge the powers claimed under it. But I do esteem that we have the absolute and perfect right, under that portion of the Constitution which gives us power to regulate commerce with foreign nations and between the States, to establish a building for the purpose of exhibiting the arts and products of other nations in comparison with the arts and products of this country; and if we have not, if we have not stretched the power to regulate commerce away beyond that, if precedent after precedent cannot be produced to show that this is no stretch whatever of power, then I am misinformed, and my reading has been to very little purpose.

If I recollect aright, the Articles of Confederation gave to Congress no power to regulate commerce with foreign nations and between the States. My impression is that one of our ministers in France communicated to one of the members of the convention forming the Constitution, that one of the most important things to be done was to see to it that the new government had power to regulate commerce with foreign nations; because it was manifest that if each one of these separate sovereignties, which were united together and bound together only by the Articles of Confederation, was unrestrained in reference to carrying on commerce with any foreign nation, starting in a career of rivalry, with one another, such places as the ports of New Jersey, Jersey City, and New York, the mouth of the Delaware, and such places as had great openings to the sea, could make for themselves such treaties, such arrangements, such regulations for foreign commerce, as to use it for their own benefit alone, and at the expense of all the other States. As this country became developed and one State gave territory vast enough to make an empire, which has been since formed into other States, and as the population landing on the sea shore in our great ports has flown back, and since Chicago and the western cities were made absolutely ports of entry, so that the goods landed at Jersey City are sent in bulk to those cities, the value of this clause has been seen; and it is the West that is protected, and they who have no gates on the sea that are benefited by the power that we yielded, not for our advantange, to the central Government to control foreign commerce, and it was then inserted, and wisely inserted, that the same control should exist over interstate commerce.

Mr. President, a part of this exhibition is the introduction of foreign goods. It will not be disputed that Congress, which establishes duties, which has levied duties, and taken them off for specific purposes, can take off the duties on goods sent to this exhibition. It will not be disputed that Congress can establish and build bonded warehouses. It will not be disputed, certainly not by the Senators who sit around me, that Congress, under a power as limited in scope as the power to estab-

lish a Supreme Court and such inferior jurisdictions as it should find necessary, has gone into the States and into Territories; has bought lands; has put upon them public buildings; has spent millions and millions of dollars, nearly $10,000,000 within the last few years, to erect buildings for district judges to sit in, who are not constitutional judges but created by Congress. And where is the power in Congress to put up these buildings for court-houses? It rests on the clause authorizing Congress to create jurisdictions inferior to the Supreme Court. There is not one word in the Constitution that tells you that these inferior courts shall be courts with grand juries and petit juries, and crowds of suitors attending them so that there is no building in a town large enough to hold them, so that in those places you are necessarily driven to put up buildings to hold the courts. The Constitution does not say that you must establish such courts. It is only such inferior jurisdiction — inferior jurisdiction consistent with the Constitution, my friends will say. Where does the power come from which has been exercised always? It comes from that one grain of common sense with which I proposed to start, and which the courts have called in other cases "incidental power."

When a private corporation is chartered by any Legislature in this country, and power is given it to do certain acts, say to make a railroad from one place to another, in section after section proceeds to give it the incidental power to carry out the purposes for which the act was passed, if it did not give those powers, it would have them still just the same. And yet the whole policy of the law has been from the origin of such corporations that everything shall be construed in favor of the grantor and against the grantee, and these incidental powers are construed with the greatest possible strictness; the court never permits anything to be inferred but an absolutely necessary inference; and on that learning the body of the common law is built. So time and necessity has led the strictest constructionists of the Constitution to admit that it was an incidental power to have a building in which you could hold a court if you had authority to have a court there.

Now let us look briefly at other precedents and the course of things in reference to the question I am speaking of. As far back as 1836 an appropriation was passed for an expedition to the South Sea Islands. We all remember that subsequently there was an appropriation made to assist the sufferers by earthquake in Venezuela. There was an appropriation, for which I think some of these objecting Senators voted, to fit out the Polaris to go to the North Pole. We have since then sent three sets of commissioners abroad to world's fairs, to London, to Paris, and Vienna. We have spent, I suppose, on each one of these exhibitions more than half a million of dollars. The two vessels that went to Vienna under the orders of Congress must have cost the Navy Department over $250,000. When those agents whom we had sent to Paris came back, we published in six large and beautiful volumes their reports. Those reports were in such demand that members of Congress were importuned, and all their supply was exhausted. The country to-day is thankful for them; they are exceedingly valuable; and no one regrets that they were published.

Under what power was all this done? Was it in the general welfare? Was it commerce? Foreign commerce? Intercourse? Intercourse with foreign nations? Or intercourse between the States? The Su-

preme Court has construed the commercial clause over and over again, in many cases. They have given it an enlarged and extensive meaning, which I think is dangerous in many cases of private transactions, and which I have combated, to the best of my ability, professionally. Under the construction they have given, it means intercourse with foreign nations. If the act of 1871, introduced by the Committee on Foreign Relations, in its preamble, in every section of it, in its direction to the Presi- of the United States, and in the communication of his proclamation to the ministers abroad, is not directly on the subject of regulating intercourse with foreign nations, I have no means of construing in my mind what was meant by that expression when it was used in the Constitution.

The Senator from Ohio on this floor, in my presence, and opposed by me, feebly as I was able to do it at the time, advocated a bill authorizing the Government of the United States to condemn land in a city of his own State, without the authority of the State, for the purpose of putting a public building on it. Verily, it seems to me in this he strained at a gnat and swallowed a camel. I could not swallow that camel, nor do I think any other demoeratic Senator swallowed it. But when it was an appropriation for a public building in the State of Ohio, he advocated the doctrine that the United States had a right to condemn land; but with all the patriotism and fervor which he showed yesterday; with all the constraint that he had at being controlled by his strict construction and his devotion to the Union, he could not get over this little gnat, and he said nobody in the Senate had yet pointed out to his enlightened and experienced mind under what clause of the Constitution we, the American people, could celebrate the Fourth of July!

But, Mr. President, I have been led to discuss this constitutional question accidentally from referring to a remark of the Senator from Ohio. The Senator from Ohio proceeded a little further: He then told you, with a pathos that was equal to his previous eloquence, how he had seen the clerks of the Treasury Department, with tears in their eyes, passing by his windows; his soul was melted with sympathy; and he appealed to us stony-hearted men who were willing to vote away the public money to celebrate the Fourth of July, while certain persons, clerks, were being discharged from the Treasury Department! I am sure that every Senator must have been affected by such an appeal. I did not know until the Senator from Ohio had assumed that position, that the object of the Government was to support Treasury clerks. I did not know that we had become an eleemosynary institution. I did not know that places in the Treasury Department were meant for the benefit of individuals, but thought rather that they were employed by the Government to do a certain duty, and when the Government did not need them, hard as their fate might be, they would have to seek employment elsewhere. It also occurred to me while he was speaking, that perhaps if it would cost $10,000,000 or $20,000,000 to carry on this exhibition, these poor clerks, these men and women with tears in their eyes, might find employment in connection with this exposition when nothing else was doing and everything was paralyzed. I have heard of public works being set on foot to relieve the poor in times of panic and distress.

But, Mr. President, remember that the Senator from Ohio had told you, in the most emphatic way, that he would vote for this bill if he did

not believe it was unconstitutional; that he was restrained by no other motive. Is that consistent? Did he stop to think whether, as he said, this was not the time to take money out of the Treasury; whether he thought we ought to be more economical; whether he thought it might cost a certain amount of money when the money was needed in other places, had nothing to do with the constitutionality of the bill; and therefore that argument was inconsistent with the one which he had before advanced. His patriotism might have overcome this difficulty if the constitutional question was out of the way.

But, Mr. President, the Senator from Ohio also objected to the international character of this exposition. On the very first occasion when this matter was introduced before the Senate, the Senator from Massachusetts, who, as I am informed, was chairman of the Committee on Foreign Relations when the original bill was presented, also objected to it on account of its international character. The Senator from Nevada who has just taken his seat, yesterday and to-day, laughed at the idea of its international character. Gentlemen have talked about our celebrating the Fourth of July in the eyes of foreigners; and my distinguished friend from California read to you a caricature from Martin Chuzzlewit of scenes that were witnessed in New York, where newspapers professed to tell the stories of private families; where the popular prejudices and passions and false sentiments were catered to until they were disgusting. He read you that caricature, and then told you that he did not want these people here at that time, because we were going to have a presidential election in 1876, and what would you do with the princes and potentates of the earth here in the midst of a presidential canvass, in the midst of the passions which would certainly be aroused by it? Gentler, kinder than those who spoke in the same direction, much more thoughtful and delicate in his mind; thoughtful as the children of Noah, he would walk backwards and cover a naked parent. Sir, I am not ashamed of the American people. I am not ashamed of them in comparison with any other people, on the Fourth of July or on any other day; on presidential elections or any other occasions. I do not deny that scenes take place here and in every great city on occasions of excitement which would make Christianity shudder anywhere. That is an unfortunate accompaniment of human nature. It exists everywhere; and, until the millennium comes and we have something more than human laws, perfect as they may be, to wipe out such stains and prevent such scenes, we cannot hope to live without them.

But I should not allude to this matter simply to show my sense of what I consider unfortunate remarks in this debate by gentlemen who have preceded me, had I not a direct purpose to reach. I may be wrong in regard to the taste of the Senator from California, or the Senator from Ohio, or the Senator from Kentucky. They may understand this matter better than I do. It is not a matter of judgment; it is a matter of impulse. But what I desire to call the attention of the Senate to is the great wrong, the great injustice, that has been done to the advoates of this bill, both in and out of this body, and to the cause of truth and justice, by allowing the debate to run into such a false channel, running there not by any design I know, but running there by one Senator after another taking up and continuing a train of thought that he had just heard before. I think that the Senator from Massachusetts

[Mr. SUMNER] introduced this idea. If he did not, I should be glad to be corrected. I think the gentleman from whose committee the original bill came, every line and word of which you will recollect is international, the gentleman who comes from Massachusetts, was he who originally suggested how incongruous it would be to have this an international exhibition, and who opposed this matter of invitation first, and who has the credit of being the brains which these other distinguished gentlemen have followed.

An international exhibition was provided for by the bill which he reported, and which, as I am informed, passed the Senate *nemine contradicente*, to which every one of you is committed as far as the honor of the country is concerned, as far as the credit of the nation in getting at it in the proper way is concerned, for you all sat silent and passed the bill. The President of the United States did nothing under the bill but what you told him to do. You admitted that it was international in every line of it, from the preamble down. As soon as the question comes up to direct an invitation to issue, the Senator from Massachusetts suggests that this invitation which called to us the presence of princes, potentates, and powers in such numbers, a formidable procession so unsuitable to the celebration of our centennial anniversary, such as John Adams thought it was going to be, that it will be a mockery to invite them and a shame to us to have them here. I, of course, do not give his words, but this I gathered to be his idea.

Mr. President, I do wish the Senator from Massachusetts had given me that idea before I became one of the individuals who accepted the invitation when the measure came in from his committee originally. I should have thanked him for it, because I do not like to go back on an invitation given to gentlemen who have invited me, and at whose dinner-table I have enjoyed hospitality at their cost, and then to invite them, and tell them subsequently that they misunderstood it; that we did not mean to invite them, because the gentleman from whom the invitation came had changed his mind! I do not propose to permit myself to be put in such a position, or to assist in putting my country in a position that I would not be put in myself. We have a national character, and not only a national honor, but a national propriety and decency to maintain in our reciprocity with the other nations of the world, and I am not only not ashamed of it, but am honestly proud of it; and the record of ours can compare with that of any other nation on this globe.

I was going to say that the Senator from Massachusetts brings forward a long list of these princes and potentates. I recollect that he called on the Khedive of Egypt, who was to come here, and I think there was the eagle with one head, and the eagle with two heads, and the Gallic eagle, the eagle that swept over Marengo, and the eagle that saw the sun of Austerlitz set. Then there was "the lion and the unicorn fighting for the crown," and the lion with the pillars of Hercules, the big bear, the middle-sized bear, and the little-wee bear," and all these beast and birds were to crawl in and take their places. It reminded me very much of the opera comique. They were to take their places representing these sovereigns. It reminded me also of a little geography book I once studied, where I saw a queen, sitting with a crown on her head and a scepter in her hand, and under it was written that little children ought not to want to be kings and queens for they had such a dull time, always

itting with a heavy crown on their heads and a scepter in their hands! That was the argument, nothing else, presented to the Senate of the United States, that under this invitation, asking foreign governments to send exhibitors, (invitations which we had accepted three times, and in response to which we had sent three sets of commissioners, and for which we had appropriated millions of dollars)—when we gave an exposition it should not be international, but be national; because, in the first place, it would cost too much; in the next place, we were not fit to receive, in person, all this royalty, who would be really intruding on us, because we have no palaces. We have no places for them to sit in proper state with their heavy crowns on their heads, and the big scepters in their hands! That was the argument; and not one of the Senators has really exposed its flimsy sophistry. It is simply answered by this: it is not true. There has never been any such invitation sent. There has never been any proposition to send such an invitation. There has been no country that ever thought of such an invitation. The act did not authorize it, and that Mr. Fish was more than careful in correcting what might possibly have been a mistake in the invitation is apparent from every paper before us. I do not complain of the Senator from Massachusetts in presenting his own view of the question in the way he did; but I do complain when he presents so strongly and forcibly, by such illustrations, that the Senate of the United States were caught in such a trap, particularly when that bill, international in every line, and authorizing the only invitation that ever has been given, or ever was proposed to be given, came from that Senator.

Mr. President, I do not wish to occupy any more time, but there is one word that I will say in conclusion. I ask Senators to listen to me for one moment more. Throwing aside all the nonsense which I may have spoken, and which others possibly may have spoken in this debate, I want to say one thing. Here is a proposition from honorable-minded men whom you perhaps have assisted in getting into a strait; but if they are in a strait, they are not to blame. To them you have in some measure intrusted the honor and character of your country, for you said it was to be under your auspices. They do not ask you for a dollar, but ask you to advise them what they have to do. If you choose to advise them that you do not want the celebration gone on with, you have the same share in it precisely, and so has every member of this Congress. The only possible injury you can do these gentlemen is that, you have wasted a good deal of their time uselessly, and they will be obliged to lose the hope of perhaps credit and reward in the way of thanks from a grateful country, and a large amount has been spent to which they have individually contributed.

The Senator from Kentucky in his opening remarks stated that, although it had been said that his State had instructed him on this question, he was not satisfied that is was so; but he made the further remark that he would not vote for this bill if he was instructed; that he would resign his seat before he would vote for this bill. Well, Mr. President, the Legislature of my State has instructed me, and it has instructed me by a perfectly unanimous vote, and I understand a unanimous vote after every member understood what the question was, not passing *nemine contradicente* in the ordinary way, but after a thorough understanding. I am told every member of the Legislature of New Jersey is in favor of this

proposition. I do not speak of any particular form, but in favor of an appropriation by Congress for this purpose. I stated to you on a previous occasion that that Legislature, which I regret to say is republican at the present moment in its party politics, has voted a considerable appropriation for a little State like ours, more money than our share, dividing it proportionately among the States, by twenty or thirty thousand dollars. They have made that in the lower house, since this debate has been in progress, by an amendment, payable only on condition of either an appropriation by Congress, or at least success being assured .There is a conditon by which it is lost if this work does not in a brief period go on. Being so instructed, if I did not agree with my constituents—and this was not a party question—I should hesitate, believing that there was no constitutional question involved, not to obey their wishes. Even where I had doubts on a small constitutional point which I could not solve, and the Legislature of my State, with perfect unanimity, understanding what they were doing, told me that they wished me to vote for an appropriation to enable them to celebrate the Fourth of July, 1876, in Independence Hall, I would vote so. I would not take a scruple or a grain of doubt that I had in reference to the construction of a clause which has been construed by abler, wiser and better men than myself, otherwise, against the unanimous opinion and vote of all parties in my own Legislature, I can see and respect the proposition of the Senator from Kentucky, that is, I might be placed in such circumstances that I would rather resign than obey instructions. If the question of the public security, or the right of private property, or a question that involved the great principles of the nation on which I was very decided in my views, were involved, and I should be instructed by a party that had come into power behind me in the Legislature, of course I should pay no attention to them; but if instrued by my own party, I should then feel it my duty to resign or to obey them, or to solve for myself at that moment the difficult question how far instructions should control my action here.

You will recollect that the Senator from Ohio said he would have scorned himself if he had been enthusiastic on this subject, and yet he is a kind and generous man. If, coming from where I do, under these circumstances I should run back for one single moment to some reminiscences recalled to me in this debate, and particularly recalled to me by the Senator himself, perhaps the other Senators will excuse me, as well as the Senator from Ohio.

Two or three Senators have alluded to the death of Jefferson and the death of John Adams. The Senator from Massachusetts, with that learning and erudition which shed light upon all questions, and particularly questions like this, has told us the anecdote in reference to the letter of John Adams; and the Senator from Ohio only yesterday told us how the words put by Daniel Webster, on the occasion of his oration in eulogy of Adams and Jefferson, into the mouth of John Adams, were not Webster's words, but were words simply altered for the occasion or paraphrased, written on that day by John Adams in privacy to his wife—

Through the thick gloom of the present I see the brightness of the future as the sun in heaven. We shall make this a glorious and immortal day. When we are in our graves our children will honor it. They will celebrate it with bonfires and illuminations, with tears, gushing tears, not of slavery and distress, not of agony, but grateful, thankful tears of joy.

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On the semi-centennial celebration of the result of the prediction of what that day did bring forth, we still recall that on the fiftieth anniversary of that day Adams died in the middle of the commemoration and while the bonfires and illuminations were still lighted, and there were tears, copious, gushing tears—not of joy, for there the prophecy failed—but Jefferson on the same day and hour was numbered with the dead, and so the eulogist said. So that day shall be honored. Illustrious prophet and patriot, so that day shall be honored. And as oft as it returns thy renown shall come along with it, and the glory of thy life, like the day of thy death, shall never fade from the memory of men.

And, sir, the people of the little State where the battle of Princeton was fought, and the little spot which is my home on the other side of the Delaware, within sight of where Washington crossed, in the dark and trying days of December, the plains of Monmouth, where one of our own maidens, like the Maid of Saragossa, when her chief was slain, shed no ill-timed tears, but filled his fatal post, cannot forget that they too shared in the glories of Independence Hall. They will not forget that this is the time, that Independence Hall is the place, and that the international exhibition in which we have embarked, is the manner of the celebration; and they are willing to put their hands in their pockets and sacrifice all their little earnings, and set an example of doing it, in order that the rest of the nation may feel the same.

One other thing, Mr. President, and I am done. Sad scenes have passed since then. We have had to number many a name with the storied names we nurtured in earlier time. We have had in the last few years many a dissevered family, many a broken heart, North and South. Many comrades have been slaughtered whom I care not to recall in these halls. Younger and sister States, the Western States, whose people have gone out and settled from the Old Thirteen, may remember that it is not wise for strength and manhood to trample on the parent that cherished their infancy; they may remember that we of the Old Thirteen, holding still the gate that lead to the control of foreign commerce, and bring vessels to these shores freighted for their good as well as ours, ask very little when they ask that they will come to Independence Hall and help us to recall with them the memories of the past. It will be a bond that will seal up many a trouble that may be brewing between the East and the West; it will be a bridge that will bridge the chasm of which politicians have spoken for six or eight years; it will be a bridge that will cover that chasm into which I do not wish to look.

On the rice-fields of fair Carolina,
  The head of the matron is bowed;
The sire takes down his old match-lock,
  And back the old memories crowd.
He thinks of the glory of Sumter,
  The valor of Marion's men,
And his heart leaps the gulf in an instant,
  That yawns 'twixt the now and the then.

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